Exhibit I

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/593,258	11/02/2006	Michael D. Doyle	006-1-7	3648
	7590 07/21/201 OF CHARLES E. KRU		EXAM	IINER
P.O. BOX 5607	1		DONAGHUI	E, LARRY D
WALNUT CRE	EEK, CA 94596-1607		ART UNIT	PAPER NUMBER
			2454	
			MAIL DATE	DELIVERY MODE
			07/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	11/593,258	DOYLE ET AL.
Office Action Summary	Examiner	Art Unit
	Larry Donaghue	2454
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	lely filed the mailing date of this communication. (35 U.S.C. § 133).
Status		
1)⊠ Responsive to communication(s) filed on <u>10/02</u>	2/09.	
	action is non-final.	
3) Since this application is in condition for allowar		secution as to the merits is
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	i3 O.G. 213.
Disposition of Claims		
4)⊠ Claim(s) <u>95-118</u> is/are pending in the application	on.	
4a) Of the above claim(s) is/are withdraw	vn from consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>95-118</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or	r election requirement.	
Application Papers		
9)☐ The specification is objected to by the Examine	r.	
10)☐ The drawing(s) filed on is/are: a)☐ acce	epted or b) \square objected to by the E	Examiner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correct		• •
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:		
1. Certified copies of the priority documents		an Na
2. Certified copies of the priority documents3. Copies of the certified copies of the prior		
application from the International Bureau	·	d in this National Stage
* See the attached detailed Office action for a list		d
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Attachment(s)		
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P	ite
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 6/22/07, 04/07/08.	6) Other:	аст приовноп

Art Unit: 2454

1. Claims 40-67 are presented for examination.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 111-118 are rejected on the ground of nonstatutory double patenting over claims 1-14 (particularly claim 10) and 1-47 (particularly claim 36) of U. S. Patent No. 5,838,906 and 7,599,985 respectfully since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Claim(s) of patent 5,838,906 and 7,599,985 contain(s) every element of claim(s) 111-118 of the instant application and as such anticipate(s) claim(s) of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). "ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

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Claims 95-110 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 and 1-47 of U. S. Patent No. 5,838,906 and 7,599,985 respectfully in view of Joseph et al. (5,819,034).

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: The Claim(s) of the patents contain every element of claim(s) of the instant application except wherein at least a portion of the distributed application is for execution on two or more remote computers coupled to the distributed network environment.

Joseph taught the use of remote computer to perform the execution of requested computing in a client server environment (col. 1, lines 44-56).

Clearly the this would increase thru put and decrease the cost of the client computer to perform advanced functions.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry Donaghue whose telephone number is (571)272-3962. The examiner can normally be reached on Monday-Friday 9:00 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Donaghue/ Primary Examiner, Art Unit 2454

Notice of References Cited Application/Control No. 11/593,258 Applicant(s)/Patent Under Reexamination DOYLE ET AL. Examiner Larry Donaghue Art Unit Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-5,819,034	10-1998	Joseph et al.	709/201
*	В	US-5,838,906	11-1998	Doyle et al.	715/205
*	С	US-7,599,985	10-2009	Doyle et al.	709/202
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims 11593258 Examiner Larry Donaghue Applicant(s)/Patent Under Reexamination DOYLE ET AL. Art Unit 2454

✓	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
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Search Notes



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SEARCHED					
Class	Subclass	Date	Examiner		
709	202,218,219	07/12/2010	LD		
345	419,427,619,638,649,653-656	07/12/2010	LD		
715	205,738,760,777,804	07/12/2010	LD		
718	106	07/12/2010	LD		
719	310,315	07/12/2010	LD		
707	E17.119	07/12/2010	LD		

SEARCH NOTES		
Search Notes	Date	Examiner
Revieww the re exam of the parent case findings of the parent case	07/12/2010	LD

	INTERFERENCE SEA	RCH	
Class	Subclass	Date	Examiner

U.S. Patent and Trademark Office Part of Paper No.: 20100714